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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,581

03/12/2004

Daniel Bryan Penney

2580

41197 7590 11/09/2007
DANIEL BRYAN PENNEY
203 CARRIAGE TRAIL
WYLIE, TX 75098

EXAMINER

DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

MAIL DATE	DELIVERY MODE
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11/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,581

Applicant(s)

PENNEY, DANIEL BRYAN

Examiner

Jerome W. Donnelly

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3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected. 1, 3-6, 11, and 14-20
- 7) ☒ Claim(s) ____ is/are objected to. 2, 7-10, 12, 13, 21 and 22
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

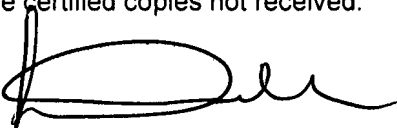
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


JEROME DONNELLY
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

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Claims 2, 7-10, 12, 13, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 11, 19, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Zaenglein.

Zaenglein discloses a device comprising: a target means (18) configured to receive rifle strikes from a user (8), a target hit detectors (202), a visual signaling means (16) a voice command recognition means (36) and a control means in the form of a microprocessor.

In regard to claim 11, the examiner notes that the position of the target may be adjusted.

The target of Zaenglein may be struck from several directions.

The method of claim 20 is disclosed by Zaenglein.

In regard to claim 4, 5 Zaenglein discloses a device having multiple screens.

In regard to claim 10, the prior art of Zaenglein discloses wherein the speed of his stricker may be changed see col. 6, line 23.

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Claims 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaenglein.

The examiner notes that analog to digital conversion systems wireless systems and redundant components for cancellation of an improved fidelity are obvious and known components in the art of communications.

Claims 6, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaenglein in view of Zelikovich.

Zaenglein discloses the device of claims 6, 17 and 18 substantially as claimed absent the teaching of his device including an audible means in the form of speakers an audio digital to analogue systems and a wireless system as claimed.

Zelikovich discloses a device having at least one speaker and a wireless system.

Given the above teachings and what is known to one of ordinary skill in the art. The examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the device of Zaenglein to include a plurality of speakers a wireless audio receiver and headphones as claimed, as known upgraded components available in the art of electronics.

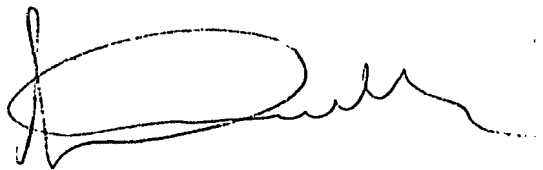
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the overall device of Anderson et al and Schemmel.

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Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

Jerome Donnelly

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', with a large, stylized initial 'J' and a long, horizontal flourish extending to the right.